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SUMMARY RECORD OF THE 16th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 20 March 1997, at 10 a.m.

Chairman: Mr. SOMOL (Czech Republic)

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QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (continued)

The meeting was called to order at 10.20 a.m.

STATEMENT BY MR. HANS VAN DEN BROEK, MEMBER OF THE EUROPEAN COMMISSION IN CHARGE OF EXTERNAL RELATIONS

1. Mr. van den BROEK (European Commission) expressed appreciation for the work carried out in the area of human rights by the United Nations, which over the years had forged an international consensus on the need to promote human rights as universal values. The European Commission had contributed to some of the decisions adopted by the major conferences organized in the last few years. Most recently, it had ensured support for the initiatives of the High Commissioner for Human Rights by participating in international monitoring efforts in Rwanda and Burundi and by contributing to the creation of a human rights office in Bogotá. Mr. Ayala Lasso was to be commended for having explored new ways of promoting respect for human rights and enhancing the dialogue between States.

2. The European Union saw the establishment of the special war crimes tribunals for the former Yugoslavia and Rwanda as one of the most significant innovations of the last decade. It had given support to those tribunals not only by granting financial assistance but also by protecting the victims coming to testify, by providing legal counsel, by promoting public awareness and by helping in the establishment of databases. It strongly supported the establishment of a permanent international criminal court to ensure that no war criminals remained at liberty.

3. As a major actor in the promotion of human rights and democratic processes, the European Union was endeavouring to strengthen the rule of law and encourage pluralist civil society, to help prevent conflicts and to promote human rights education. It was also concerned with the protection of particularly vulnerable women and children and the victims of torture.

4. The European Union's policy on development cooperation had increasingly focused on fundamental rights and freedoms, the application of democratic principles, the rule of law and good governance. Since 1992, each of its cooperation agreements with third countries had included a clause identifying human rights as an "essential element" of the agreement. That concern for human rights characterized the European Union's external relations in general, and all candidate countries - including the 10 central and eastern European countries and Cyprus waiting for admission - were required to have established institutions guaranteeing democracy, the rule of law, human rights and respect for minorities before becoming members of the Union. In that way, and also through joint initiatives with the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE), the European Union was strengthening civil society, including its democratic forces and minorities, in Europe as a whole.

5. As part of the campaign against racism, the European Union had declared 1997 the "European Year against Racism" and was considering the inclusion of a non-discrimination clause in the new treaty to be concluded

at the European Summit in Amsterdam in June. In non-governmental organizations (NGOs), it had important partners which acted as spokesmen for the most vulnerable groups and peoples, and were working with it to promote political pluralism in practical ways.

6. One of the hallmarks of democracy was a free press guaranteeing freedom of expression; for that reason the European Union was closely monitoring the independence of the press in transition countries, particularly in the former Yugoslavia, and providing those countries with the financial and technical support they needed in that area.

7. Human rights always suffered as a result of conflict, and tensions had to be prevented from degenerating. That was one of the objectives of the European Union's Common Foreign and Security Policy, which aimed to create a safer and more stable environment.

8. In conclusion, he wished to pay a tribute to the journalists, labour leaders, judges, writers and ordinary citizens who had fallen victim to violence and intolerance.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

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(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(agenda item 5) (continued) (E/CN.4/1997/17-20, 106, 110, 112, 115 and 120; E/CN.4/1997/NGO/9; E/CN.4/Sub.2/1996/12 and Corr.1 and 13; E/CN.4/Sub.2/1995/11; A/C.3/51/6)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 6) (continued) (E/CN.4/1997/21 and 22; E/CN.4/1997/NGO/2 and 32)

9. Ms. BAUTISTA (Philippines), speaking in her capacity as Chairperson-Rapporteur of the open-ended working group on structural adjustment programmes and economic, social and cultural rights, presented the working group's report on its first session (E/CN.4/1997/20). In order to facilitate the work of the working group, she had suggested that a working paper on principles should be prepared by members of the working group from the Latin American region, that a working paper on policy guidelines for action at the national level should be prepared by members from the Asian region and that a working paper on policy guidelines for action at the

international level should be prepared by members from the African region. The working group had had before it a report of the Secretary-General containing a preliminary set of basic policy guidelines (E/CN.4/Sub.2/1995/10); some members had felt that the report should be updated while several others had noted that it remained a useful document. Following fruitful meetings with representatives of the International Monetary Fund (IMF)and the World Bank, in which members of NGOs had also participated, the working group had identified those principles which it felt had a linkage with structural adjustment programmes as they impinged on economic, social and cultural rights. That work was, however, still of a preliminary nature and the working group had decided to leave to a possible future session the task of reviewing the material that had been prepared.

10. Mrs. JANJUA (Pakistan) said that the Intergovernmental Group of Experts established by Commission resolution 1996/15 to elaborate a strategy for the implementation and promotion of the right to development had commenced its work. The task of the Group of Experts was not to redefine the right to development, as the definition of that right was given in the Declaration on the Right to Development. Its mandate was to outline measures for the implementation of the Declaration. Probably the most difficult obstacle to overcome in that regard today stemmed from the clear imbalance between civil and political rights, on the one hand, and economic, social and cultural rights on the other. The developed countries were leaving the developing countries to advocate the right to development while continually reminding them of their national responsibilities. Eighty per cent of the existing United Nations human rights machinery focused on civil and political rights and ignored economic, social and cultural rights. The proposed appointment of a special rapporteur on economic, social and cultural rights would be only a small step towards rectifying the imbalance. It was high time for the Organization to review the human rights machinery as a whole with the aim of rationalizing it.

11. At the conceptual level, it must never be forgotten that human rights were indivisible and constituted a composite and closely interrelated whole. The right to development first and foremost implied the right to self-determination of peoples still living under alien domination and occupation. It should also not be forgotten that, with the end of the cold war and the general trend of democratization all over the world, the right to development was now vitally important in the quest for a meaningful future.

12. The process of development undoubtedly required concerted action at both the national and the international level. Shared responsibility, and not merely cooperation, thus became a norm. The development process had to be treated as a joint undertaking by developed and developing countries.

13. Unfortunately, the pace of development in developing countries had slowed because of the growing burden of external debts. The net transfer of financial resources from developing to developed countries added to the serious distortion in the allocation of world resources. The reform and restructuring processes undertaken by developing countries in response to the demands of international lending agencies and donor Governments often caused social and political upheaval. The strict application of the laws of a market economy also adversely affected the poorer sections of the population unable

to gain access to the market. Perhaps the most serious problem impinging on the right to development was the phenomenon of absolute poverty: it was on the increase in developing countries, and the report of the Special Rapporteur on human rights and extreme poverty (E/CN.4/Sub.2/1996/13) painted an alarming picture in that regard.

14. Democracy, development and human rights were three pillars of the new international order and should be treated as mutually reinforcing elements of a continuum. A selective approach would neither stem human rights disasters nor address the systemic inequities that caused violations of human rights.

15. Mr. BERGUÑO (Chile), referring both to the question of the realization of economic, social and cultural rights and to the question of the promotion of the right to development, said that the right to development was an inalienable right that should be enjoyed by everyone. Chile had made a perfectly clear commitment in that regard, devoting more than 62 per cent of public spending to social measures.

16. The programmes of action adopted at the World Conference on Human Rights and at the World Summit for Social Development essentially recognized that development and social justice were indispensable for the realization and preservation of international peace and security. Social development, like economic development and respect for the environment, was an essential component of all sustainable development, itself a crucial dimension of the right to development. It was thus incumbent upon States to take urgent action to establish the economic, political, social, cultural and legal conditions for social development. International cooperation and solidarity played a role of paramount importance in that regard and Chile, having long benefited from such solidarity, was today endeavouring to ensure that friendly countries benefited from the know-how, goods and services that served as incentives to development.

17. In his delegation's view, the Commission should endorse the progress report of the Intergovernmental Group of Experts on the Right to Development on its first session (E/CN.4/1997/22) and extend the Group's mandate to enable it to propose concrete and practical measures for the implementation and promotion of the right to development. The High Commissioner for Human Rights had also done useful work in seeking to convince the international financial institutions and development agencies to incorporate a "human rights" component in their undertakings. Those efforts must be pursued.

18. Mr. LAWRENCE (Canada) recalled that the Declaration adopted by the World Conference on Human Rights established that political and civil rights and economic, social and cultural rights were indivisible and inalienable elements of fundamental human rights. As a party to the two International Covenants on Human Rights since their entry into force in 1976, Canada had long considered the principles contained in those instruments to be fully compatible and interrelated. The Committee on Economic, Social and Cultural Rights had accomplished much in recent years to define economic rights. It should now focus its attention on further definition of social and cultural rights, as that would assist other Commission working groups and mechanisms, and should also encourage more States to ratify the Covenant.

19. On the question of the promotion of the right to development, he noted an increasing recognition that respect for fundamental human rights and commitment to democratic processes and institutions were critical elements in the development process. For Canada, the essential link between human rights and development was an important element of foreign policy. Canada was convinced that pluralism and freedom of expression were prerequisites for the participation of all individuals in a productive society. That conception of society furthermore meant working to ensure the equality of women and men, in particular by eliminating all forms of violence affecting women and children. Canada, for its part, was endeavouring through its assistance programmes to support the role of women in development. The unique contribution of indigenous peoples to development must likewise be recognized.

20. In its progress report on its first session (E/CN.4/1997/22), the Intergovernmental Group of Experts on the Right to Development suggested soliciting proposals regarding concrete and practical measures for the implementation and promotion of the right to development from Governments, United Nations agencies, treaty bodies and intergovernmental and non-governmental organizations. His delegation welcomed that approach and encouraged the Chairman of the Group of Experts to continue inter-sessional consultations in that connection. The survey of concrete measures listed for possible implementation and promotion which the Group would later be considering contained many useful ideas. The challenge would be to refine that list, set priorities and develop an action plan. That was a daunting task, of course, at a time when the resources available to the Centre for Human Rights and the mechanisms of the Commission were even more limited than before.

21. The Intergovernmental Group of Experts had tasked its Chairman to compile information on work undertaken in the United Nations system on indicators for development and human rights and on early-warning mechanisms and methods: that research would be beneficial to future endeavours as long as it did not duplicate work in other quarters. As his delegation had already emphasized, the key to implementation of the Declaration on the Right to Development was coordination between the Centre for Human Rights and those parts of the United Nations system engaged in development work, as well as the international financial institutions.

22. The High Commissioner for Human Rights also had an important role to play in ensuring the integration of human rights machinery in international development activities. Contacts with international financial institutions and development agencies would be essential. The restructuring of the Centre would furthermore enable its staff to provide policy advice on the right to development.

23. Mr. BICUDO (Brazil) said that the end of the cold war had given new impetus worldwide to the cause of human rights, which had been ranked as the highest of international priorities at the Vienna World Conference in 1993. Unfortunately, most men and women were not being provided with the minimum economic conditions to enable them to enjoy those rights which had at long last been recognized. The focus, however, still appeared to be only on civil and political rights, and while they were certainly essential, they were

unlikely to be realized until the indispensable material conditions were also provided for the enjoyment of economic, social and cultural rights.

24. In short, human rights and absolute economic liberalism were incompatible. The Vienna Declaration had however, gone beyond noting the interdependence of all human rights to reaffirm the right to development. Indeed, it was development that should make it possible for everyone ultimately to enjoy all fundamental human rights, beginning with economic and social rights.

25. In Brazil, the 1988 Constitution enshrined the economic and social rights that were regarded as fundamental rights. However, unemployment was growing as the Brazilian economy modernized and faced the challenge of globalization. As everywhere, fighting unemployment and social exclusion meant renouncing the ultra-conservation of some economic policies, and that was the reasoning behind Brazil's adoption of a national plan which called for the support of all national actors involved in decision-making; the plan also called for the cooperation of the international community and, ultimately, for the implementation of the right to development.

26. Mr. SIMKHADA (Nepal) said that for his country, which believed in the universality, indivisibility and interdependence of civil and political rights and economic, social and cultural rights, the right to development was a fundamental human right. Another aspect of the right to development related to the reaffirmed obligation of States, with the cooperation of the international community, to ensure development and eliminate obstacles to it.

27. As one of the least developed countries, Nepal suffered from numerous geographical and natural handicaps, as well as a severe lack of resources; it therefore attached great importance to the developmental aspect of human rights.

28. Nepal was a democracy with a constitutional monarchy. It was a party to several international human rights instruments and the Government remained fully committed to the protection and promotion of human rights. However, poverty, economic underdevelopment, illiteracy and lack of the most basic social services constituted significant obstacles. At the same time, like all LDCs confronted with structural problems in their economies, Nepal was unable to benefit fully from the opportunities of globalization and liberalization and faced the risk of further marginalization. It had made its position clear that human rights should not be used selectively for political purposes and made a conditionality for aid by donor countries.

29. The people of Nepal had for several years also been faced with the added difficulty of providing asylum to a large number of refugees from Bhutan, whose presence represented a tremendous burden in social, economic and environmental terms. The Office of the United Nations High Commissioner for Refugees (UNHCR) and NGOs were providing it with valuable assistance in that field, but the Government would like to resolve the issue through dialogue so that the refugees could return to their country.

30. The Intergovernmental Group of Experts on the Right to Development and the Special Rapporteur, as well as the High Commissioner for Human Rights,

should be encouraged to pursue a task that, despite its magnitude, could not fail to bear fruit. It was furthermore essential to provide the Centre for Human Rights with the resources required for its activities.

31. Mr. CHOWDHURY (Bangladesh) said that, as recognized in the Vienna Declaration and Programme of Action, economic rights were just as important as civil and political rights. Like many other countries, Bangladesh, which fully enjoyed civil and political rights, wanted to see those rights complemented by economic rights. Despite overall economic growth, however, the situation had worsened over the past 10 years in 89 countries and 48 countries - described as least developed countries (LDCs) - today had only a 0.4 per cent share in world trade and attracted barely 2 per cent of global foreign direct investment. Globalization, liberalization and expanded market access were of no advantage to them as they had little to sell, and what aid they received did not enable them to overcome the structural impediment to their development that was represented by debt servicing. Was it appropriate to talk of human rights in the face of such distress?

32. Nevertheless, there was a growing global awareness of the plight of such countries. For instance, the Singapore Ministerial Conference of the World Trade Organization had decided that a high-level meeting on LDCs would be held in Geneva soon, in cooperation with UNCTAD and the International Trade Centre, to address issues such as domestic capacity-building and market access abroad for those countries. He appealed to all concerned to ensure the success of the meeting, which was likely to be attended by representatives of the Bretton Woods institutions.

33. Bangladesh was a good example of the results that could be obtained when domestic efforts were buttressed by external support. With market-friendly policies and measures to mitigate the sufferings of the poorest, Bangladesh had achieved a modicum of macroeconomic stability and was poised to make substantial progress. One of the techniques it had used for poverty alleviation deserved particular mention. During a summit on micro-credit in Washington, co-chaired by the Prime Minister of Bangladesh and Mrs. Hillary Clinton, a global campaign had been launched to reach 100 million of the world's poorest families, especially women. Small loans were to be advanced to the latter for self-employment and other financial and business services. In the past that concept had evoked such a favourable response, particularly from the women, that it was transforming Bangladeshi society. The experiment, involving the cooperation of the Government and NGOs, had been termed a "revolution in innovative micro-credit" and similar projects were being continued in more than 50 countries. Their success proved that handouts took away initiative from people, and that humankind thrived on decent challenges, not on plain palliatives.

34. He wished to reiterate his country's commitment to democracy; as Prime Minister Sheikh Hasina had recently said, there was no foundation of democracy stronger than freedom, and no greater guarantee for freedom than that of civilized law, and the rule of that law.

35. Mr. RODAS POZO (Ecuador) said that his country was determined to continue to cooperate with the international community to find solutions to the problems that arose in the field of human rights. The economic

difficulties of developing countries were an obstacle to improving people's living conditions and limited the full exercise of the right to development, which was an essential right of the human person. Absolute poverty was a flagrant violation of human rights and Governments must fight that problem. The realization of the right to development concerned Ecuador all the more because it would not be possible to consolidate democracy as long as people's basic needs were not satisfied.

36. Developing countries lacked resources and it was incumbent on the industrialized countries to extend the assistance that was essential for them to improve the well-being of their peoples. The Intergovernmental Group of Experts had clearly shown that the right to development covered an extremely vast field and that its many social, economic, cultural and political aspects had to be considered in a balanced way. Analysis of their national and international characteristics would contribute to an understanding of the true dimension of the right to development. He therefore favoured continuation of the activities of the Group of Experts to enable it to carry out its mandate.

37. Mr. SINGH (India) said that the post-cold war era afforded an opportunity to realize the principles enshrined in the Universal Declaration of Human Rights. While democracy provided the best political framework for the enjoyment of human rights, however, it must be accompanied by efforts to ensure the social, cultural and economic rights of peoples, and hence development. To promote the right to development was to give meaning to the quest for human dignity enshrined in the Universal Declaration.

38. The consensus in Vienna on the right to development had not been maintained during subsequent deliberations in United Nations forums. The right to development was a complex issue, but it did not need to be a controversial one. If the issue had become controversial, it was essential to find out why, and his delegation would like to offer a few thoughts as a contribution to promoting an understanding of that right in all its dimensions.

39. Firstly, his delegation interpreted the right to development as a holistic concept aimed at securing human dignity and social justice through the enjoyment and respect of all rights - political, civil, economic, social and cultural. Considerable progress had been achieved in promoting political and civil rights, but economic, social and cultural rights had been seriously neglected. Furthermore, the Declaration on the Right to Development made the human person the central subject of development and therefore the beneficiary of the right to development. In addition to the individual dimension, however, that right had a collective dimension and it entailed national as well as international obligations. The next question was whether the right to development could be implemented and how it did operate in practice. In India, for example, there was a general consensus on integrated approaches to human rights in the context of the non-justiciable economic, social and cultural rights contained in the Constitution. The Supreme Court had ruled that the right to life included the right to live with human dignity and incorporated satisfaction of the basic needs of each individual. Thus, even if the people could not demand of the State that it provide adequate housing to every individual - it was not in a position to do so - the State did have the duty to facilitate the enjoyment of the right to adequate housing through

the promotion of socio-economic development as well as specific measures in the field of housing. Similarly, at the international level, the North must show sensitivity to the development needs of the South and recognize that it had an obligation to assist the process of development and contribute to the eradication of poverty from the world. If that was controversial, the blame must be placed not on the right to development but on an absence of commitment to it in the international community.

40. Those elements led him to the following conclusions: democracy and development were both essential for the enjoyment of human rights and in ensuring human dignity; poverty was not an excuse for the lack of enjoyment of basic rights but it might be a reason for their absence from the lives of countless millions, and the symptoms of poverty should not be confused with the deliberate violation of human rights; economic, social and cultural rights should be balanced with political and civil rights, and must take their rightful place in the right to development; the right to development was not about charity or redistributing the wealth of developed nations, but about a shared responsibility for creating an environment conducive to the comprehensive enjoyment of all human rights; the right to development was central to a balanced human rights programme; and the international community must bear in mind the warning of the United Nations Development Programme (UNDP) that if economic disparities between nations continued to grow, the situation would move from being "unequitable" to "inhuman".

41. His delegation was concerned about the work undertaken by the Intergovernmental Group of Experts on the Right to Development. On the substance, it did not believe that there was need for the Group to examine afresh the precise definition of the right to development or the nature of the obligations it entailed, since the Declaration on the Right to Development was remarkably clear in that regard. The approach adopted by the Group lent itself to controversy. The partial listing of issues, which had not even been discussed by the Group, was not only unfruitful but also made the rest of the report redundant. The Intergovernmental Group of Experts must conduct its work with greater transparency, particularly as delegations could express their disagreement on the content of the partial listing only in public meetings. It detracted from its mandate by speaking of the right to development as a means of preventing violence and conflict; a promotional approach to the right to development would be preferable. The Group should reconsider the position taken by some experts that the right to development implied a series of conditionalities, since the right to development was in itself a human right. His delegation failed to understand what purpose would be served by "early warning" mechanisms, even assuming that they were feasible. Lastly, it might be asked whether the Group really needed two additional weeks in 1997, given the results of its first session.

42. He wished to emphasize the importance of the Declaration on the Right to Development, which in integrating civil and political rights with economic, social and cultural rights marked a return to the holistic spirit of the Universal Declaration of Human Rights and constituted a link between the Universal Declaration and the Vienna Declaration and Programme of Action. He advocated the inclusion of the right to development in the International Bill of Rights.

43. Mrs. DUPUY (Uruguay), speaking on agenda item 5, recalled that Uruguay was one of the countries that had requested the Commission to examine the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights. The idea of appointing a special rapporteur on the question had stemmed from the desire to address the issue on the basis of a multidisciplinary and comprehensive approach, in particular with a view to identifying any gaps that might need to be filled through national or international measures.

44. The Special Rapporteur had been mandated, inter alia, to receive and examine communications on the illicit trafficking and dumping of toxic and dangerous products and wastes in developing countries, and to investigate and verify the information provided, which should involve consultations with the countries concerned. In that regard, her delegation felt that the production of lists of countries and transnational corporations engaged in the illicit dumping of toxic and dangerous products and wastes would not be really useful unless that exercise was preceded and followed by contacts aimed at finding solutions to the problems. In order to avoid duplication, it was also important for the Special Rapporteur to collaborate with United Nations organs and agencies working in that same field.

45. Account should also be taken of the work carried out in 1996 by other international bodies concerned with the environment, including the modification of the legal instrument already in force, the Basel Convention, and the preparation of a new international legally binding instrument for the application of the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade, which was being negotiated through the United Nations Environment Programme (UNEP) and the Food and Agriculture Organization of the United Nations (FAO) on the basis of the International Register of Potentially Toxic Chemicals (IRPTC).

46. Mr. OSEKU (Uganda) said that he wished first of all to stress the need for the Intergovernmental Group of Experts to comply with the mandate given to it by the Commission in its resolution 1996/15. He was pleased that the resolution in question had been adopted by consensus, thereby encouraging the hope that the right to development would be duly incorporated into all United Nations human rights programmes. The right to development was an essential right and civil and political rights could not be meaningfully exercised in situations of extreme poverty. UNDP's Human Development Report 1994 pointed out that well over a billion people were living in circumstances of poverty, hunger, unemployment, illiteracy and chronic ill-health, and that urgent and bold measures were needed for the realization of the right to development.

47. Developing countries did, of course, bear the primary responsibility for their development. Many had therefore had to adopt structural adjustment measures and policies to reorient their economies. However, they still needed a supportive international environment. Regrettably, the international economic system undermined their efforts. In the case of Uganda, for example, the external debt was a crushing burden. The multilateral financial institutions urgently needed to devise ways of solving the debt problem. Uganda welcomed the proposal of the British Chancellor of the Exchequer envisaging the sale of a portion of IMF gold reserves with a view to using

some of the proceeds to provide relief for multilateral debt. It was also encouraged by the measures taken by the Bretton Woods institutions to reduce the debt owed to them by poor indebted countries. That was at any rate a first step towards a comprehensive solution to the debt problem.

48. Concerning the practice of illicit movement and dumping of toxic and dangerous products and wastes in developing countries, the States parties to the Basel Convention regrettably seemed hesitant to report incidents and provide notification of the illicit movement of toxic wastes. According to the Special Rapporteur, the ban on the export of hazardous products, including those intended for recycling, which had now been imposed by the Basel Convention, would remain a dead letter if it were not accompanied by practical measures for the detection of illicit practices. Uganda shared the view that that could be achieved only by strengthening the capacities of the developing countries. In general, it supported the work of the Special Rapporteur and called on the Centre for Human Rights to provide her with adequate resources to fulfil her mandate.

49. Mr. MOORE (Food and Agriculture Organization of the United Nations) said that the World Food Summit had been convened by FAO in Rome from 13 to 17 November 1996. Political leaders from 185 countries attending the Summit had adopted the Rome Declaration on World Food Security and Plan of Action, committing themselves to achieving food security for all with an immediate view to reducing the number of undernourished people to half their current level by no later than the year 2015. The Plan of Action took the form of seven commitments to ensure that all people had physical and economic access to sufficient and nutritious food. Those commitments were indeed ambitious, but they could not be otherwise given the vastness and gravity of the problem of hunger. So great was the magnitude of the undertaking facing the world that it could be confronted only by a concerted response from Governments and all the partners concerned - organizations of the United Nations system, international financial institutions, bilateral and multilateral agencies, NGOs and actors in civil society.

50. FAO was working to build an appropriate framework to implement the decisions of the Summit. FAO's Special Programme for Food Security would be spearheading the fight against rural poverty in the 82 low-income food deficit countries; it was already under way in 15 countries and would soon be extended to other countries in that group. The Summit was to be seen as a further building block in a series of measures taken at previous world conferences and summits. The work of FAO should be viewed as part of the multifaceted thrust by the international community towards food security.

51. The human rights most fundamental to the fight for food security were those set forth in article 11 of the International Covenant on Economic, Social and Cultural Rights: the right to adequate food and the right of everyone to be free from hunger. The participants in the Summit had recognized that further work needed to be done to clarify the content of the right to adequate food and considered that particular attention should be given to the implementation and full and progressive realization of that right as a means of achieving food security for all.

52. In addition, the participants in the Summit had invited the Committee on Economic, Social and Cultural Rights to give particular attention to the Rome Plan of Action and to continue to monitor the implementation of the measures provided for in article 11 of the Covenant. They had invited the relevant United Nations bodies and agencies to consider how they might contribute to the further implementation of that right. Lastly, they had invited the United Nations High Commissioner for Human Rights to define better the rights related to food in article 11 of the Covenant. FAO's Committee on World Food Security would be acting as a focal point for coordinated action to give effect to the commitments made at the Summit and FAO itself would be supplying the main support for concrete efforts to help farmers and rural communities in the developing world achieve food security. FAO pledged its technical support to the Commission and to the High Commissioner for Human Rights in the challenging task ahead.

53. Mr. AL-TIKRITI (Observer for Iraq) said that developing countries often had to overcome considerable obstacles to the realization of economic, social and cultural rights. In particular, they were more and more frequently suffering from constraints imposed on them unilaterally on the basis of political considerations. The Commission must give particular attention to that abusive practice since it had grave implications for the exercise of the most basic human rights and for people's well-being.

54. Iraq was experiencing a catastrophic situation, as attested by the report of the Secretary-General of the United Nations to the General Assembly in 1995, and also by the World Food Programme. Some 4,500 Iraqi children were dying each month on account of the sanctions. The World Health Organization had warned the international community that the Iraqi health system was on the point of collapse. The embargo imposed for more than six years by the Security Council as a result of political manoeuvres amounted to a policy of genocide and constituted a crime against humanity. It was time that the hypocritical measures and the unilateral and selective interpretations of the rules of international law ceased. Double standards must not continue to be applied to satisfy selfish political interests.

55. In order to mitigate the sufferings of the Iraqi people, the Security Council, in resolution 986 (1995), had authorized States to permit imports of Iraqi oil in limited quantities so that Iraq could purchase essential foodstuffs and medical supplies; more than three months after the entry into force of the memorandum of understanding on practical arrangements for implementation of that resolution, those products had still not been made available to Iraq. That unjustifiable delay stemmed from inadmissible political manoeuvres. His delegation requested the Commission to do everything possible to ensure implementation of the Security Council resolution and the lifting of the sanctions; it suggested, furthermore, that the Commission should undertake a study on the implications of economic sanctions for developing countries, since they undermined the realization of economic, social and cultural rights.

56. Mr. TYSZKO (Observer for Poland), after having emphasized the indivisible nature of all human rights, said that on the occasion of the tenth anniversary of the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights, a group of

independent experts had unanimously adopted a document entitled "The Maastricht guidelines on violations of economic, social and cultural rights". That instrument could help the human rights bodies in their endeavours to identify violations of economic, social and cultural rights.

57. His delegation was in favour of making further improvements in international monitoring of the realization of economic, social and cultural rights. In particular, it endorsed the recommendation of the Committee on Economic, Social and Cultural Rights concerning the appointment of a special rapporteur on economic, social and cultural rights, as there was regrettably no special rapporteur dealing specifically with matters in that field. Another possible step forward would be the adoption of an optional protocol to the Covenant providing for the consideration of communications.

58. Before deciding on the question of the optional protocol, however, the Commission should discuss whether the Committee would have the capacity and means to undertake that task. His delegation believed that the Committee should for the time being improve its methods of work and deal with the backlog of reports to be examined. Although not opposed to considering the draft optional protocol, he felt that it could not be applied unless the Committee was in a position to accomplish its mandate effectively on a timely basis. With that object in mind, the Committee must be given organizational and financial support before it could be entrusted with additional tasks.

59. Concerning the report of the Secretary-General pursuant to Commission resolution 1996/12 (E/CN.4/1997/17), his delegation would like the High Commissioner for Human Rights to develop contacts further with the World Bank and report regularly to the Commission on their practical outcome. As to the report of the Secretary-General prepared in accordance with Commission resolution 1996/15 (E/CN.4/1997/21), he would welcome better coordination of the activities relating to the implementation of the Declaration on the Right to Development and hoped that the High Commissioner would present to the Commission a comprehensive concept of his policy for the promotion and implementation of the right to development.

60. Mr. MORJANE (Observer for Tunisia) said that since poverty was clearly a source of many of the conflicts in the world today, social stability, civil peace and democracy necessitated harmonious and balanced development based on respect for human dignity, equity and social justice. Real enjoyment both of economic, social and cultural rights and of civil and political rights in all countries therefore required the effective realization of the right to development.

61. The universal and inalienable character of that right had been recognized by the General Assembly of the United Nations in 1986 in the Declaration on the Right to Development and had been reaffirmed at the world conferences held since then in Vienna, Cairo, Copenhagen, Beijing and Rome. The consensus on the right to development reflected a new awareness which was salutary but had unfortunately not led to concrete results in practice. The multiple obstacles to the realization of the right to development were increasing in complexity. Many countries were now in an even more difficult situation economically than 10 years previously; millions of people were

suffering from hunger and poverty, and indebtedness and debt servicing placed a heavy burden on the economies of the developing countries and hampered their economic and social progress.

62. The realization of the right to development was a universal goal that implied individual and collective responsibilities for all States, both nationally and internationally. For its part, Tunisia had adopted a strategy based on a multidimensional concept of development and the progressive realization of reforms adapted to the changes in Tunisian society, permitting a smooth transition to democracy and a multiparty system. Significant progress had been made in the areas of quality of life and well-being. Per capita income, for example, had increased five-fold since 1960 and there was considerably less poverty. Inequalities had been reduced through a national solidarity scheme involving the creation, at the initiative of President Ben Ali of a national solidarity fund supported by citizens' voluntary contributions to finance economic and social programmes and infrastructure projects in disadvantaged areas of the country.

63. The realization of the right to development was, of course, the primary responsibility of States, but many were no longer able to cope with their difficulties today in the absence of efficient and effective international cooperation. A partnership for development needed to be established, in which developed and developing countries would work to institute realistic national policies and build an international climate conducive to sustainable development. The Commission had to play a major role in that regard if it was to secure effective protection of the rights of all peoples and individuals. In that spirit Tunisia reaffirmed its support for the initiatives of the High Commissioner for Human Rights to promote the right to development, in particular by organizing a seminar on the question in Tunis in 1997. Lastly, his delegation supported the efforts made by the Committee on Economic, Social and Cultural Rights to draft an optional protocol to the International Covenant on Economic, Social and Cultural Rights, an instrument that would confirm the will of the international community to give the same attention to all categories of rights.

64. Mr. HAFYANA (Observer for the Libyan Arab Jamahiriya) endorsed the comments made on the agenda items under consideration by the representatives of the Movement of Non-aligned Countries and the League of Arab States, and supported the action taken by NGOs to mitigate the adverse effects of structural adjustment programmes on developing countries. Those countries were being subjected to unjust rules concerning loans and financial assistance by the developed countries and transnational corporations. The truth was that although the importance of economic, social and cultural rights had been recognized in many General Assembly resolutions, those rights did not constitute a priority for the Security Council, whose members were not concerned about the problems of the developing world.

65. It should, however, be borne in mind that, in its resolution 1803 (XVII), the General Assembly had affirmed the right of peoples and nations to permanent sovereignty over their natural wealth and resources, a right confirmed in the Charter of Economic Rights and Duties of States, which stipulated that each State had the right to regulate and supervise the activities of transnational corporations and to ensure that they

were in conformity with its national objectives. The new international economic order should be based on respect for each country's sovereignty over its natural resources and its economic activities, and no developing country should therefore be subjected to any form of political or economic coercion. Nevertheless, that was precisely the effect of the structural adjustment policies and programmes imposed by the IMF on developing countries, which had no other option than to comply with the dictates of the developed countries if they wanted to obtain loans. The transnational corporations, for their part, were linked to the sources of funding, and thus had an entirely subjective conception of development and took no account of the real situation of the developing countries. In the existing international economic order it was the countries that held the power, the developed countries, that governed the weaker, developing countries.

66. The time had come to redress the balance of power. The Arab nations, which occupied a vast geographical region, had the right to exercise their sovereignty over their economic and human resources and to pursue socio-economic development in keeping with their culture and history. The economic summits for the Middle East and North Africa threatened the Arab nations with the loss not only of their resources and wealth, but also of their identity. The right to development held a place of primary importance among the rights set forth in the International Covenants on Human Rights. The Arabs must be able freely to exercise those rights, including the right to live in a particular geographical area and to give it a character which corresponded to their history and identity and not to the model that the western countries wanted to impose on them.

67. Mr. NAZARIAN (Observer for Armenia) drew the Commission's attention to the internal situations and factors that represented obstacles to economic development and therefore to the realization of economic, social and cultural rights in some countries and more especially in developing countries, which faced particular problems in their efforts towards that end. Those situations and factors included the effects of the many acts of sabotage committed since 1991 by Azerbaijan against the gas pipeline running from Turkmenistan to Armenia via Georgia, against the railway linking Armenia to Georgia and against the bridge over the river Khrami in Georgia. The blockades imposed on Armenia by neighbouring countries not only jeopardized the right to development of Armenians but constituted a violation of international humanitarian law, since they prevented humanitarian assistance from reaching particularly vulnerable groups, such as earthquake victims, refugees and displaced persons. Many Armenians today were leaving their country in search of better conditions of life and employment. In order to contain that outflow, Armenia needed to have the means to consolidate its economic and social stability and to offer its citizens the possibility of full enjoyment of their economic, social and cultural rights.

68. The effects of the existing unjust international economic order on the economies of countries that needed humanitarian assistance, and the obstacles to its transportation and delivery, were not helping to promote the realization of human rights and fundamental freedoms. As stipulated in article 32 of the Charter of Economic Rights and Duties of States, "no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination

of the exercise of its sovereign rights". The international community could not allow some countries to prevent the delivery of humanitarian assistance to a country, in violation of the applicable international rules, for the purpose of exerting economic, political and social pressure on it either directly or indirectly.

69. In conclusion, his delegation appealed to the Commission on Human Rights to adopt a resolution condemning any attempt to hinder or interrupt the economic activity of a country through the imposition of blockades.

70. Mr. NDIAYE (Observer for Senegal) said that the right to development was not the artificial product of a claim of poor countries on rich nations. It was a fundamental human right and the time was ripe, more than 10 years after the adoption of the Declaration on the Right to Development, to secure its realization. The first Working Group on the Right to Development set up by the Commission had made an in-depth analysis of the scope and content of that right, as well as of its holders and beneficiaries, and its object, basis, legal nature and aims. It had laid particular emphasis on taking into consideration the aim of the development of the individual, which was to ensure his survival through progress, i.e. the growth of his human potential and assets. It should not be forgotten that the human person was the central subject of development and that any increase in production must serve to improve his well-being. Popular participation was thus vital to development if that process was not simply to become the undertaking of an elite for the benefit of an elite. The idea of popular participation furthermore occupied a major place in the international human rights instruments. Its role in education and in cultural and political life was recognized in the two International Covenants.

71. Senegal was convinced that participation by the people in the conception and implementation of development strategies was the key to promoting the right to development at national level. In other words, the Declaration on the Right to Development must be implemented in complete harmony with all the international human rights instruments. That meant that the various categories of rights could no longer be considered as distinct entities; they constituted an indivisible whole reflecting the fundamental unity of the human person. It would be useful in that regard for the Intergovernmental Group of Experts on the Right to Development to seek guidance from the studies carried out in recent years by UNESCO, the International Labour Organization and the United Nations University on the linkages between human rights and human needs, which had concluded that the needs to be converted into rights could be grouped under four main headings: safety, well-being, identity and freedom. Following that approach, the Group of Experts could define precise indicators of implementation, identify national and international obstacles and thereby give the right to development an original and revolutionary character, that of a synthetic, dynamic and evolving right.

72. His delegation wished to reiterate its proposal for the creation of an international body to monitor implementation of the right to development, which would be composed of the High Commissioner for Human Rights, representatives of the specialized agencies and the chairpersons of all the treaty bodies, and would be entrusted with the task of studying and recommending to States and the international community ways of overcoming the

obstacles to full realization of the right to development. It was essential for all members of the international community to participate in efforts to build, in conformity with article 28 of the Universal Declaration of Human Rights, "a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized".

73. Mr. MAJDI (Observer for Morocco) welcomed the greater interest shown by the United Nations in the right to development, an interest that had been given concrete form by the establishment in the Centre for Human Rights of a new service charged with the promotion and protection of the right to development; however, he regretted that not all the resolutions and declarations adopted on the question were being translated into concrete measures to ensure that all peoples and individuals could finally enjoy the right to development. It had to be said that, 11 years after the adoption of the Declaration on the Right to Development, the economic situation of many countries had not changed and had in some cases even worsened during the 1980s. While the gap between rich and poor countries was growing daily, official development assistance, which should constitute one of the major elements of solidarity among States, fell well short of the international target, with donor countries allocating only 0.35 per cent of their GDP, instead of the 0.7 per cent originally anticipated, to such assistance. The shortfall in official development assistance and the inadequate distribution of other capital flows, including foreign direct investment, were compounded by the external debt burden, which meant that some developing countries were becoming net capital exporters, a factor that further aggravated their situation. As indicated in the Human Development Report 1996, if present trends continued, the economic disparities between developed and developing countries would not only be inequitable but would become inhuman.

74. The realization of the right to development was, of course, the primary responsibility of States, but their efforts towards that end could not bear fruit without a favourable global environment and strong support from the international community. The implementation of the right to development required a long-term strategy based on the mutual respect of nations, greater equality of opportunities for the individual and international economic, commercial and financial structures that were more democratic, just and equitable. It also required concerted action and dialogue to ensure the coherence of international economic and financial policies as well as reform of world markets to enhance the prospects of all nations, whatever their level of development.

75. Mr. TEITELBAUM (American Association of Jurists) said that the very limited time allocated by the officers of the Commission to the consideration of agenda items 5 and 6 showed clearly how the United Nations itself was helping to perpetuate obstacles to the enjoyment of economic, social and cultural rights and the realization of the right to development. In that regard, his organization also deplored the progressive exclusion of NGOs in recent years. For example, one document (E/CN.4/1997/WG.17/2) in which it had criticized current development policies and proposed other solutions for development centred on the human person was completely ignored in the Secretary-General's report (E/CN.4/1997/17) and was cited only in the annex to the report of the working group on structural adjustment programmes and economic, social and cultural rights (E/CN.4/1997/20).

76. As it had explained to the working group, his organization believed not only that debts were not always legitimate and therefore should in large part not have to be paid off, but also that there would be nothing unusual in a decision not to reimburse a debt: most countries had not paid off their debts, and everyone knew that those debts would never be reimbursed and that they served merely as an excuse for the continued extortion of money from poor countries.

77. It had emerged from the dialogue between the working group and representatives of the Bretton Woods institutions that neither the IMF nor the World Bank was concerned about human rights in general or economic, social and cultural rights in particular, despite what they would have the world believe. In the World Bank's programmes to support legal reforms in a variety of countries, emphasis was placed on changes to promote privatization and a free market but not the slightest reference was made to human rights, the reason being, according to the World Bank itself, that article 4 of its Statutes prohibited it from intervening in political questions. World Bank action on behalf of human rights was therefore non-existent, contrary to what was stated in section II, paragraph 4, of document E/CN.4/1997/17. In that regard, his organization fully endorsed the comments of the Vice-Chairman of the Intergovernmental Group of Experts on the Right to Development concerning the proposed cooperation between the High Commissioner for Human Rights and the World Bank, as contained in annex III to the Group's report (E/CN.4/1997/22). Proof that the Bretton Woods institutions had absolutely no intention of taking steps to remove obstacles to the right to development was to be found in the initiative for the most indebted poor countries launched by the IMF and the World Bank in October 1996, which was merely a smokescreen to disguise the fact that they were continuing to extort money from poor indebted countries. It was time for the Commission on Human Rights to give serious thought to ways of providing democratically organized civil society with decision-making powers to resolve the problems of indebtedness, structural adjustment policies and development, focusing on the development of the human person and not the enrichment of a small number of individuals.

The meeting rose at 1.05 p.m.